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Bank of America, N.A.*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BANK OF AMERICA, N.A., successor by  
merger to BAC HOME LOANS SERVICING,  
LP FKA COUNTRYWIDE HOME LOANS  
SERVICING, LP

Plaintiff,

vs.

SFR INVESTMENTS POOL 1, LLC; DAVYN  
RIDGE HOMEOWNERS ASSOCIATION;  
THOMAS JESSUP, LLC; DOE  
INDIVIDUALS I-X, inclusive, and ROE  
CORPORATIONS I-X, inclusive,

Defendants.

and all related claims.

Case No.: 2:15-cv-01768-JCM-CWH

**JOINT MOTION TO CONTINUE  
DEADLINE FOR FILING PROPOSED  
PRE-TRIAL ORDER**

Bank of America, N.A., SFR Investments Pool 1, LLC, Davyn Ridge Homeowners Association, Thomas Jessup, LLC, and Daunshari Wong-Culotta hereby jointly move for a continuance of the deadline to file the joint pre-trial order. This is the third request for a continuance of this deadline.

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**I. PROCEDURAL HISTORY**

This case is one of several hundred in Nevada arising from the purchase of a property at a homeowners' association's non-judicial foreclosure sale. The parties in this matter filed dispositive motions on their various claims. The Court on February 14, 2017, denied all pending dispositive motions and ordered that a pre-trial order be filed on or before March 16, 2017 [88].

Two days before the proposed pre-trial order was due Third Third-party defendant Dunshari Wong Culotta filed a motion to alter or amend order ECF No. 88 pursuant to Rule 59(e). On March 16, 2017 the parties filed a joint motion continue the deadline to file the pre-trial order so that the Court could decide the motion to alter or amend [91]; the Court granted that motion the following day and set the deadline to March 31, 2017 [92].

Counsel for all of the parties personally met and conferred at the office of Bank of America's counsel on March 28, 2017. At this meeting, which lasted nearly two hours, the parties' counsel discussed the various issues relating to the proposed joint pre-trial order and reached agreement that a continuance was in the best interest of the parties and the court. Additionally, the several of the parties began settlement discussions, which if successful, would narrow the issues at trial. Thus, on March 31, 2017, the parties filed the second request to continue the deadline for filing the proposed pre-trial order [96]; the Court granted that request and set the new deadline to June 2, 2017 [97].

**II. GOOD CAUSE EXISTS TO CONTINUE THE DEADLINE**

Since March 31, 2017, the parties engaged in settlement have made significant progress to resolve the claims between them, however, the parties believe that additional time to complete the proposed pre-trial order is still warranted.

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1           **First**, there continue to be ongoing settlement negotiations between Jessup and Ms. Wong-  
2 Culotta and their counsel have reached a an agreement in principle on the material terms. During this  
3 time Ms. Wong-Cullota and Jessup have been attempting to reach a global settlement involving this  
4 and other disputes outside this litigation. The complex nature of the various disputes required  
5 additional time. **Second**, Jessup has requested that Bank of America release its claims against it in  
6 exchange for Jessup's disclaimer of interest. Now that Ms. Wong-Cullota and Jessup have reached  
7 an agreement in principle, Bank of America needs additional time to discuss the terms of settlement  
8 with Jessup and the potential impact on the trial.

9           For these reasons, the parties believe a continuance would further the efficient administration  
10 of this case. The issues to be presented at trial would be greatly simplified if (a) Jessup and Ms.  
11 Wong-Culotta reach settlement, and/or (b) Bank of America reaches agreement with Jessup. The  
12 parties will have additional time to fully and carefully prepare the pre-trial order to address the  
13 remaining issues in this case, which will allow the court to more efficiently try this matter. The  
14 parties have made a good-faith effort to resolve the various claims, and no party will be prejudice by  
15 the requested extension. This request is not made for purpose of delay or to prejudice any party.

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The parties accordingly move to extend the deadline for the submission of the proposed joint pre-trial order to June 30, 2017.

Dated this 2<sup>nd</sup> day of June, 2017.

**AKERMAN LLP**

/s/ Jesse A. Ransom, Esq.

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IT IS SO ORDERED.

DATED: June 5, 2017

  
C.W. HOFFMAN, JR.

UNITED STATES MAGISTRATE JUDGE